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ABSTRACT

This monograph on sexual harassment aims to help schools of education design effective polices, procedures, and environments that prohibit harassment and prepare professionals who will understand the issues and be equipped to prevent the occurrence of sexual harassment. The monograph has a particular focus on sexual harassment of student teachers during field-based practice teaching. A section on definitions of sexual harassment explores its elusive nature and looks at various legal and agency definitions. A section on legal issues covers legislation and litigation especially from Title VII of the 1964 Civil Rights Act and Title IX of the Education Amendments of 1972. This section also contains a summary of responsibilities and guidelines for field-based student teaching experiences. A section on polices and grievance procedures explores legal requirements for schools of education, particularly those that receive federal funds. This section includes a list of 20 components of an effective grievance procedure. A section on education to eliminate and prevent harassment includes discussion of providing a model environment, preparing educational leaders in teacher preparation programs, and working with institutions including the larger university and off-campus field placements. This section contains a list of case studies and examples for discussion including experiences of a sexual harassment grievance board; communications from administrators, faculty and students; publications; private conversations; and public discussions. Contains 49 references. (JB)

Sexual Harassment

A Challenge to Schools of Education

Judith Berman Brandenburg

ED 380 439

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Judith Berman Brandenburg

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Introduction

From Professor Anita Hill to Senator Robert Packwood, from Tailhook to date rape in university dormitories, Americans have been riveted by tales of sexual harassment in all quarters of society. Our schools are not immune. Unfortunately, schools may serve to reinforce the attitudes and behaviors that underlie sexual harassment and to provide a setting where sexual harassment may occur. An elementary school girl reports being taunted and fondled by a group of her classmates; a male student teacher is hugged and propositioned by his male cooperating teacher; a female student teacher sends personal and intimate notes to several of her students; the principal asks out a beginning teacher; a tennis coach touches a student athlete in an intimate way. Sexual harassment is an enormous problem from elementary school through graduate school. Some 81 percent of students in grades 8 through 11 (including 85 percent of the girls and 76 percent of the boys) and 30-70 percent of college students report being sexually harassed at school (AAUW, 1993; Paludi, 1990).

Sexual harassment is a form of sex discrimination and is an insidious barrier to providing equal educational opportunities for all. The effects of sexual harassment can be devastating to the individual and to the educational process. The vulnerability of students is particularly great, and its potential impact on them severe. Sexual harassment may influence self-concept, emotional health, academic performance, interpersonal relationships, and the entire course of one's personal and professional life. Issues of sexual harassment and the way that schools address them may affect the entire community.

Schools of education can provide a model environment that is free of sexual harassment while preparing tomorrow's educational leaders, including teachers, administrators, and counselors who will attend to the problem and the prevention of sexual harassment.

Besides ethical, educational, and equity imperatives to prohibit sexual harassment, sexual harassment is illegal. Increasingly, persons who have brought complaints of sexual harassment have received compensatory and punitive damages. Sexual harassment in schools is prohibited under Title IX of the Education Amendments of 1972, which protects students from sex discrimination in federally funded educational programs and activities, and under Title VII of the Civil Rights Act of 1964, which prohibits sexual harassment in the workplace. The Supreme Court decision in *Franklin v. Gwinnet County Public Schools* (1992) established the individual's private right of action to damages against a school for sexual harassment. Educational institutions are legally obligated to provide environments that are free of sexual harassment and to establish clear policies and strong grievance procedures prohibiting sexual harassment.

Unfortunately, strong policies and procedures are necessary, but not sufficient to eliminate sexual harassment. The major hope for preventing sexual harassment is education that begins with the family and continues from nursery school through postsecondary education. This education must address sexual harassment directly as well as the underlying attitudes, values, and behaviors that foster sexual harassment rather than mutual respect. Schools of education are strategically positioned to intervene in the cycle that perpetuates this behavior. Schools of education can pro-

vide a model environment that is free of sexual harassment while preparing tomorrow's educational leaders, including teachers, administrators, and counselors who will attend to the problem and the prevention of sexual harassment.

Despite the high incidence of sexual harassment and the attendant publicity, knowledge of this issue among educators ranges from those who do not yet understand the problem to those who are very aware and concerned. Informal surveys of over 40 educators, including faculty from Teachers College, Columbia University and from schools of education across the country, suggested that while many are concerned about this issue, a few remain unfamiliar with the term and do not understand how the behaviors involved might be detrimental (Brandenburg, 1994b). To quote a candid respondent:

> ***I am amazed at how little attention I have paid to the issue. I am responding to this only because you asked for a response—maybe "unaware" of this issue is a category you should include in your study.***

A survey of the New York State Council of University Deans had responses from all 11 deans of the member schools of education at research universities. The deans underscored the importance of the issue of sexual harassment and the need for assistance to schools (Brandenburg, 1994a).

Sexual harassment is a growing area of concern for professional preparation programs. As the problem of sexual harassment becomes more visible, many institutions are requesting advice. This monograph seeks to assist schools of education to develop effective policies, procedures, and environments that prohibit sexual harassment and to prepare professionals who will understand the issue and will be equipped to prevent its occurrence. A major focus is sexual harassment involving student teachers during field-based practice teaching. Included is a consideration of joint institutional responsibilities that are important for teacher preparation programs and cooperating educational institutions (K-12), as well as for other professional programs, such as counseling, health, and administration. The monograph includes sections on the following aspects of sexual harassment: definitions, legal issues, policies and grievance procedures, education, and case studies.

Definitions

A single definition of sexual harassment that clarifies the critical element of unwanted sexual attention has been somewhat elusive. Sexual harassment includes a wide range of behaviors from verbal innuendo and subtle suggestions to overt demands and abuse, including rape and child sexual abuse. Unfortunately, definitions of sexual harassment and their concomitant behaviors vary throughout the literature, policies, and procedures. Several categories of behaviors including gender harassment, harassment based on sexual orientation, and sexual abuse, which fall under the general definition of sexual harassment, are sometimes designated separately. According to the New York State Governor's Task Force on Sexual Harassment, "No single definition of sexual harassment can be meaningful for all situations, purposes and individuals" (1993, p. 27). However, even as the courts continue to clarify the nature of sexual harassment, educational institutions are well advised to follow the Equal Employment Opportunity Commission (EEOC) and the Office for Civil Rights (OCR) definitions of sexual harassment and to be in compliance with Title IX and Title VII. The definitions presented below serve as the basis for discussion throughout this monograph.

According to the OCR (1981):

> Sexual harassment consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provision of aid, benefits, services or treatment protected by Title IX. (p. 2)

According to the EEOC (1980):

> Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when
>
> (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
>
> (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
>
> (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (29 C.F.R. º 1604.11)

The EEOC (1990) describes two categories of sexual harassment, *"quid pro quo"* [(1) & (2) above] and *"hostile environment"* [(3) above]. ***Quid pro quo harassment*** "occurs when submission to or rejection of such [unwelcome sexual] conduct by an individual is used as the basis for employment decisions affecting such individual" (p. 2). Sexual favors or demands may be made a condition of receiving benefits (e.g., a job, promotion, grade, recommendation or appointment) or of avoiding a penalty (e.g., being fired or receiving a negative evaluation). This category of sexual harassment often involves a power relationship such as that between a supervisor and an employee or between a teacher and a student.

Hostile environment harassment applies when unwelcome sexual conduct causes the environment to become hostile, intimidating, or offensive, and unreasonably interferes with an employee's or student's work. The EEOC (1990) recognizes that this category of sexual harassment "can constitute sex discrimination, even if it leads to no tangible or economic job consequences" (p. 2). This form of harassment may occur between people of equal status including students. The environment may be affected by one egregious instance of sexual harassment or by a pattern of offenses. Although this category is the more frequent form of harassment, it is often difficult for institutions to identify.

Sexual harassment is not an exclusively sexual issue but may be an exploitation of a power relationship.

Generally, there is agreement as to what constitutes the most blatant forms of sexual harassment, yet viewpoints often differ regarding more subtle circumstances. The social interaction is frequently very complicated and may invite different interpretations. Whether behavior is considered sexual harassment depends to some extent on the subjective experience of the recipient. The same behavior might be enjoyed by one recipient and unwanted by another. Any attempt to list and to legislate against whole classes of behaviors raises issues of individuals' rights and freedoms.

Sexual harassment is not an exclusively sexual issue but may be an exploitation of a power relationship. Like any power struggle, many instances of sexual harassment are initiated and negotiated by a person in a position of authority and are sustained at the expense of another who cannot counter demands without risk of reprisal (student teacher vs. student, principal vs. teacher) (Paludi, 1990; Siegel, 1991; Bogart & Stein, 1987). Sexual harassment is a hostile act which may be intended to disempower and subjugate the person harassed. However, sexual harassment also can occur between colleagues of equal status (student vs. student, teacher vs. teacher), and even by persons in lower status roles with apparently little authority who harass persons in higher status positions (student vs. teacher).

Gender, race, class, or position do not in themselves determine who will experience sexual harassment. A study at Cornell University found that of the reported cases of sexual harassment, 90 percent were incidents of men harassing women, 1 percent were women harassing men, and 9 percent were same sex cases (Parrot, 1991). The present distribution of power and the dynamics of existing sex roles make it much more likely that women will be candidates for sexual harassment (Brandenburg, 1982). However, as more women assume positions of authority, it is possible that the dynamics will shift. In fact, there are some reports that male complaints of sexual harassment are increasing, although the numbers remain small (Fitzgerald, 1992). Data from the Office for Civil Rights reveal that men filed 10 percent of the sexual harassment complaints received between October 1989 and November 1993 (OCR, 1994). It is important to keep in mind that an instance of sexual harassment that involves a male in authority as harasser of female subordinates is not the only possibility.

Sexual harassment in schools and colleges occurs between and among individuals who are students, teachers and other school personnel. The incidence among students (often only women sampled) of harassment by teachers and other school employees has been reported as between 15 percent and 30 percent at both the secondary and postsecondary levels of education (Strauss, 1988; Fitzgerald, Shullman, Bailey, Richards, Swecker, Gold, Ormerod, & Weitzman, 1988; AAUW,

1993). However, the most frequent form of sexual harassment in schools and colleges is student to student, or peer harassment, which has been reported as roughly 65 percent to 70 percent (Paludi & Barickman, 1991; AAUW, 1993). This predominant type of sexual harassment also is prohibited by Title IX.

The incidence of sexual harassment reported in the literature varies depending on the sample and the definition of sexual harassment used in the study. When the definition is confined to forced or coerced sexual advances (including quid pro quo sexual harassment) incidence for women is generally reported to be between 15 percent and 50 percent (see, for example, U.S. Merit Systems Protection Board, 1988; Dziech & Weiner, 1990). When the definition includes hostile environment sexual harassment, including leers, remarks, etc., the numbers range from 50 percent to 90 percent (Fitzgerald, et al., 1988; Sandroff, 1992; Hughes & Sandler, 1988). We know relatively little about the incidence and experiences of harassment of men since often males are not included in research samples.

Sexual harassment is a complicated issue that covers a wide range of behaviors. A continuum exists from the more subtle verbal manifestations to the blatant physical acts of sexual abuse.

The number of sexual harassment complaints filed underreports drastically the number of incidents. It is estimated that less than 10 percent of those sexually harassed file complaints (National Council for Research on Women, 1992). People hesitate to bring complaints fearing embarrassment, difficulty proving their case, lack of support from colleagues, and reprisals. It is estimated that during their college and professional lives, at least 50 percent of women will experience sexual harassment, as will at least 14 percent of men (U.S. Merit Systems Protection Board, 1988; Paludi, 1990). In summary, despite differences in definitions, methodology, and samples, the conclusion of the vast majority of studies is that sexual harassment is a widespread problem.

As discussed above, sexual harassment is a complicated issue that covers a wide range of behaviors. A continuum exists from the more subtle verbal manifestations to the blatant physical acts of sexual abuse. The existence of this continuum of behaviors underscores the importance of addressing the most subtle incidents. Brief descriptions of a number of subsets of sexual harassment are offered below in order to illustrate the complexity of the issue and to facilitate an understanding of research and incidence reporting. While space limitations do not permit full explication, these descriptions may assist in framing the issue.

Some definitions of sexual harassment include all forms of *gender harassment* and *harassment based on sexual orientation*. Others use the term sexual harassment only when behaviors involve unwanted sexual attention. *Gender harassment* involves hostile and insulting attitudes and behavior based on gender and may or may not involve unwanted sexual attention (Till, 1980). An example would be a teacher telling a class that "Pretty girls are not good in science." *Harassment based on sexual orientation* involves hostile and insulting attitudes and behavior based on the presumed sexual orientation of the harassed (commonly referred to as gay bashing), and may or may not involve unwanted sexual attention. An example would be boys calling another boy "gay" or a parent saying that gays have no place in the military.

Child sexual abuse, *rape*, and *sexual assault*, the most violent forms of sexual harassment, are criminal felonies, and are sometimes considered separately. *Child sexual abuse* refers to sexual acts involving a child, typically under the age of 18, by an adult who is responsible for the child's wel-

fare, such as a parent, guardian, legal custodian, or person acting in that role (National Center for Missing and Exploited Children, 1993). Children who are 13 or 14 are legally protected from sexual activity with anyone three or more years their senior. Children under the age of 13 are legally protected from all sexual activity (Haugaard & Reppucci, 1988). All states must have in effect a state child abuse and neglect law providing for the reporting of these crimes under Public Law 93-247, the Child Abuse Prevention and Treatment Act of 1974. School personnel should be trained to identify and report child abuse to proper authorities.

Rape is the engagement in non-consensual sexual intercourse due to physical force, coercion, or threat—actual or implied. Although definitions vary somewhat from state to state, most have redefined the crime from "rape" to "sexual assault" and "sexual abuse" to emphasize the violence of the offenses and to broaden the range of behaviors covered (Bourque, 1989). Statistics on rape are underestimates since many crimes go unreported. According to one of the most comprehensive studies (Koss, Gidycz, & Wisniewski, 1987), "27.5 percent of college women reported experiencing...an act which met the legal definitions of rape, which includes attempts" (p. 168).

Legal Issues

Sexual harassment is a problem of long-standing that emerged as a public concern in the mid-seventies, and has recently reached a level of wide public debate. The major federal laws that pertain to sexual harassment have stood for decades, most notably Title VII of Civil Rights Act of 1964, which governs employment, and Title IX of the Education Amendments of 1972, which governs educational institutions. In *Cannon v. University of Chicago* (1979), the Supreme Court established the right of an individual to bring a private lawsuit under Title IX. *Alexander v. Yale* (1980) established that a sexual harassment suit can be brought under Title IX. However, sexual harassment law under Title IX is relatively undeveloped. Although the courts are still in the process of refining the definition of sexual harassment and clarifying issues of institutional responsibility, schools increasingly have been subject to legal action and have paid damages to persons bringing sexual harassment complaints. Students currently are suing a community college for $6 million and a university for $3 million on grounds of sexual harassment (Douglas, 1993; Hoffman, 1994).

There is no single answer to the question of which institution is responsible when the student teacher working in a field placement is involved in sexual harassment, either as harasser or harassed.

Educational institutions are legally responsible for prohibiting sexual harassment on their campuses and in their educational programs and activities. This responsibility extends to off-campus sites, including field placement and internships (*Moire v. Temple University School of Medicine*, 1985; *Lipsett v. University of Puerto Rico*, 1988) and to school vehicles transporting students and school personnel (Eaton, 1993). Institutions must act to prevent both quid pro quo and hostile environment sexual harassment. They are responsible for the actions of employees, especially officers and supervisors, as well as for student to student, or peer harassment.

In addition to its general responsibility regarding sexual harassment, a school of education may have particular interest in issues pertaining to the off-campus placements required in so many of its programs of study. Such placements are a critical feature of the field component for the preparation of teachers, counselors, administrators, and health professionals. The following examples of issues related to the student teacher in a field placement (K-12) should be illustrative for other off-campus situations. The discussion is based upon a legal reading of rulings by the courts and the OCR and EEOC. The discussion will be helpful in suggesting general dimensions of responsibility and policy. However, the reader is advised that the conclusions are subject to interpretation, new court rulings, and the individual circumstances of each specific complaint. There is no single answer to the question of which institution is responsible when the student teacher working in a field placement is involved in sexual harassment, either as harasser or harassed. Such factors as the degree of supervision from the K-12 school and the school of education, how the placement site is selected, whether there is compensation or tuition involved, and whether the student teacher is the harasser or harassed may have an impact on the degree of responsibility of the K-12 school and the school of education. The simplest answer to the question of who "owns" the problem under these circum-

stances is that both institutions own it. The reader is advised to seek legal counsel when addressing any specific complaint of sexual harassment.

The following is based on consultation with counsel and a reading of court cases and rulings by the OCR and EEOC on this issue[1].

I. The school of education and the field placement (K-12) site probably share responsibility for investigating an allegation of sexual harassment involving a student teacher at a field placement. The school of education would likely be held responsible to the extent it can be shown to control the circumstances surrounding the harassment. To avoid potential liability, the school of education at least should independently investigate any incident of which it has notice, whether the student teacher is the harassed or the harasser. Where the student teacher is the harassed, the school of education should respond to the complaints by taking corrective action within its control. The school of education also should act promptly, since delay in response may lead to liability. Where the student teacher is the alleged harasser of a K-12 student, staff person, or employee, the school of education would only have legal responsibility if it directly supervised the student teacher's actions, but should investigate and attempt to take corrective action in any event out of an abundance of caution.

II. A school of education must take all reasonable steps to avoid a hostile environment at the school of education and in the K-12 school. To avoid responsibility for hostile environment harassment at the school of education or at the K-12 setting, a school of education should (i) establish and publish grievance procedures for receiving and resolving complaints, and (ii) promptly investigate incidents of reported sexual harassment and, as supported by findings from the investigation, take appropriate corrective action. Once personnel in the school of education learn of a complaint, prompt action is essential, since delay may lead to liability. Although the school of education may have little control over a hostile environment at the K-12 school, the school of education should nevertheless establish and publish procedures, investigate and, to the extent possible, attempt to resolve complaints.[1]

To address sexual harassment at an off-campus field placement, a school of education should :

(1) Establish written policies and procedures on sexual harassment. Grievance procedures should include specific features to increase their effectiveness as described in the next section. These policies and procedures should be discussed with the off-campus placement sites or K-12 settings. A school of education may wish to check the K-12 schools' procedures to see if they conform to minimum standards of basic fairness. Consultation in advance might minimize later difficulty.

(2) Orient students, faculty, supervisors, and field placement cooperating teachers about the issue of sexual harassment.

(3) Urge students and advisors to report sexual harassment complaints and to use the formal grievance procedures.

(4) Respond to complaints sympathetically and quickly, providing appropriate counseling services when necessary.

(5) When accusations arise, (at a minimum) contact the K-12 school to see what can be done. Ensure that the avenues of communication between the institutions are understood prior to any complaints.

---

[1]Davidson, G. & Kerr, C. A. of Hughes, Hubbard & Reed, N.Y., personal communication, August 18, 1994.)

(6) Conduct a thorough and objective investigation as quickly as possible.

(7) Provide a "full remedy" for any harm that occurred and strive to prevent future occurrences.

(8) Remove the student teacher from the hostile environment even as investigation proceeds, if appropriate.

Without procedures and strict adherence to them, an institution may be alleged to have a hostile environment, and to tacitly encourage sexual harassment.

Although the school of education cannot control all aspects of a field placement, it needs to respond to a sexual harassment complaint if one is made, to remove the student teacher if the placement setting is hostile (if possible), and not to place other students in that placement if the situation there does not improve. The school of education may work collaboratively with K-12 field placement sites to encourage other institutions to become responsive to issues of sexual harassment. For example, joint discussions and orientation sessions might be held between personnel from the school of education and the K-12 setting, including cooperating teachers, supervisors, and student teachers. These sessions could include such issues as appropriate policies and practices, and how to handle complaints should they arise. Schools that demonstrate best practice may be used as examples. There is no law suggesting that a school of education can be held liable for failing to inspect a field placement institution before permitting its students to be placed there. However, a school of education should certainly cease using a placement that has been problematic.

Whether the teacher candidate as observer, tutor, intern, or student teacher is the harassed, harasser, or third party witness to sexual harassment at the K-12 field placement, the school of education should be informed and appropriate actions must begin as soon as possible. Arguably there are many circumstances where the major responsibility for adjudicating an incident of sexual harassment rests with the field placement. Hopefully, the field placement will have sexual harassment policy and grievance procedures in place. However, given that many schools are not yet prepared with procedures, and given that the school of education is responsible for prohibiting sexual harassment in its off-campus programs, it would be wise for the school of education to respond to complaints of sexual harassment reported by its students in field placements. The school of education should enlist the involvement of the K-12 school personnel, and take action to investigate and to resolve the matter.

All schools, from pre-kindergarten to universities, as well as other places of work, should have written policies and procedures prohibiting sexual harassment. Schools and schools of education that receive federal funds are required under Title IX to take steps to prevent sex discrimination and sexual harassment, to provide a non-hostile environment, and provide a grievance procedure for complaints. It is important that faculty, administrators, and teachers be informed of these policies and that they be perceived as effective and fair. Lack of an adequate grievance procedure for sexual harassment complaints is in itself a violation of the Title IX regulation. The institution must be responsive by taking timely action, following their policies and procedures, and investigating whenever a complaint is received or harassment is observed or suspected. All members of the campus community need to be aware of the varied behaviors that may constitute sexual harassment in order to identify it as quickly as possible. Without procedures and strict adherence to them, an institution may be alleged to have a hostile environment, and to tacitly encourage sexual harassment.

Sexual Harassment Policies & Grievance Procedures

Legal Requirements

Under Title IX, all schools that receive federal funds are legally required to "adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints" (OCR, 1987, p. 2). As employers, they must also follow the EEOC guidelines to enforce Title VII. Primary and secondary schools and schools of education are required by Title IX to have a clear complaint procedure which encourages the reporting of incidents of sexual harassment. Whether the procedures are effective, including whether or not school personnel are aware of the procedures, may be a separate question. When teachers and students are unfamiliar with school policy and procedures, chances are that a problem may develop. Those educational institutions that fail to establish and follow policies that include a grievance procedure prohibiting sexual harassment are vulnerable to legal action. For example, if a school of education fails to publish a grievance procedure, a student may have an easier claim that the school of education was notified of a sexual harassment problem even when no formal complaint was made.

Institutions are responsible for having grievance procedures and for preventing sexual harassment and sexual discrimination in off-campus programs...

A consideration of grievance procedures for cases of sexual harassment at field placements requires an examination of procedures that exist at postsecondary institutions and at K-12 schools, as well as of the potential for institutional cooperation and joint procedures. A study conducted by Robertson, Dyer, and Campbell (1988) surveyed colleges and universities about their sexual harassment policy statements and procedures. The researchers reported that 66 percent of institutions at the postsecondary level had policies, and 46 percent had procedures. Further, most policy statements included a definition of sexual harassment based on the guidelines provided by the EEOC, and they were more likely to adopt the portion of the definition which prohibits sexual activity through coercion or force (quid pro quo) than to adopt the portion of the definition which prohibits a hostile working or academic environment. However, a recent pilot study of institutional policy statements and procedures (Brandenburg, 1994a) suggests that many more colleges and universities now have procedures and that these also include coverage of hostile environment harassment. Recent case law has helped provide a clearer understanding of what is meant by a "hostile environment," and has demonstrated that institutions are subject to hostile environment claims.

A report from the New York State Governor's Task Force on Sexual Harassment (1993) suggests that only a limited number of K-12 school systems have sexual harassment policies and grievance procedures effectively in place. "The Task Force's finding from its focus groups that few schools have such procedures suggests that compliance with Title IX by schools in New York State is less than satisfactory" (p. 113). A limited number of states have enacted laws that require schools to have policies and procedures on sexual harassment. California requires policies and procedures

from pre-kindergarten through postgraduate. Minnesota and Massachusetts "have implemented significant sexual harassment prevention strategies in elementary and secondary schools" (p. 97). The states of Washington, South Dakota, and Tennessee have such requirements only at the postsecondary level. "In New York and most other states, the problem of sexual harassment in schools, particularly at the elementary and secondary levels, has only been acknowledged recently" (p. 97).

As yet, there seems to be no systematic survey of schools of education and K-12 school systems to determine the existence and nature of sexual harassment policies and grievance procedures, including joint procedures. Based on anecdotal evidence and a limited inquiry, it appears that joint procedures are rare if they exist at all. For example, a number of programs that offer field placements (teacher preparation, psychology) reported that the issue of sexual harassment had not yet been routinely discussed with personnel at the field placement sites (Brandenburg, 1994b). Institutions still seem to be struggling to define sexual harassment and their individual institutional responsibility. Such institutional responsibility might be perceived as even more daunting if it necessitated joint policies with personnel at field placements. It is possible for institutions to consider their joint responsibility without establishing a joint procedure. It would be unfortunate if such consideration were delayed until a serious sexual harassment complaint was made by a student at a field placement.

Institutions are responsible for having grievance procedures and for preventing sexual harassment and sexual discrimination in off-campus programs, but are not required to have joint procedures with the field settings. Establishing a joint procedure might be difficult. The school of education and the K-12 school serve different constituencies and may be subject to different regulations. Some of the larger schools of education might have difficulty negotiating joint procedures given the large number of off-campus settings they use. Rather than developing joint procedures with each field placement site, it might be wiser and more efficient for the school of education to include issues of sexual harassment at field placements in its own institutional policies and procedures. In addition, the school of education should consult with the field placements about joint interests regarding the problem of sexual harassment.

The school of education may play a vital role in ensuring the development and effectiveness of sexual harassment procedures in its own institution, as well as in the off-campus institutions where its students are placed. It is important, however, that the school of education stay within the university grievance procedures and that any specialized procedures for its program be integrated into the overall university model. Creating separate procedures might be confusing and serve to increase school liability. Any change in procedures should be checked with the university and school counsel. In other words, it is suggested that the school of education first ensure that its own institutional procedures are in place and are effective, and then work with cooperating institutions to develop a shared understanding of the policies and procedures to be followed in the event of a complaint that includes both institutions. The school of education should work with each field placement site to encourage familiarity with the policies and procedures of both institutions and to develop protocols of communication to respond to complaints. In instances where shared procedures are possible, they might follow the model of university-wide procedures developed at some institutions, where the grievance board or panel is composed of various constituencies depending on who is involved in the complaint (K-12 teachers or students, school of education, faculty or administrators, etc.). Unfortunately, this model would be more difficult when institutions are not part of the same organizational entity.

Components of an Effective Grievance Procedure

(1) Policy statement prohibiting sexual harassment and describing grievance procedures should include clear definitions and be distributed to students and employees.

(2) The statements should be widely publicized.

(3) A person on campus should be designated as the Title IX compliance officer and his or her name and address made available to the community.

(4) A sexual harassment advisor or counselor should be appointed.

(5) More than one person should be designated as the point of entry into the process (designate a specific group of people by name).

(6) A grievance board or panel which represents campus or school constituents should be designated to receive sexual harassment complaints.

(7) Persons responsible for handling complaints should be trained.

(8) The investigative, advocacy, and judgment roles of the grievance procedure should be clearly distinguished.

(9) Symmetry in protecting the rights of the person complaining and the person accused should be provided.

(10) The procedure should include an informal as well as a formal stage.

(11) Confidentiality should be an integral part of the procedure.

(12) Prompt and timely adjudication should be the goal of the process.

(13) A thorough and impartial investigation of complaints, including an opportunity for the complainants to present evidence, should be included.

(14) The procedures should note that interim corrective action during an investigation may be appropriate (e.g., change off-campus placement).

(15) Designated time frames for the filing, investigation, and resolution of complaints should be included.

(16) Results should be communicated to involved parties at the end of the investigation.

(17) The right to appeal an outcome should be included.

(18) False accusations as well as retaliation against those making honest complaints should be prohibited.

(19) An annual summary of complaints that provides the gender and status of the person's involved should be published. For example:

Complainant	Respondent	Resolution
Female undergraduate student	*Female teaching assistant*	*Warning*

(20) The campus as well as the off-campus placement sites should be educated about the issue of sexual harassment.

Educating to Eliminate & Prevent Sexual Harassment

Recent studies have documented the widespread occurrence of gender inequality and sexual harassment in schools (AAUW, 1993; Sadker & Sadker, 1994; Stein, Marshall, & Tropp, 1993; AAUW, 1992; Shoop & Hayhow, 1994). According to these studies, schools reinforce sex role stereotypes, treat girls and boys differently, and tolerate or ignore sexual harassment. The school structure, pedagogy, and attitudes of teachers, parents, and community all contribute to discrimination. Unfortunately, school personnel frequently do not take the issue of sexual harassment seriously and dismiss incidents with the attitude "boys will be boys." They fail to understand the continuum that exists from undervaluing girls and encouraging aggressive behavior in boys, to tolerating pranks and "innocent teasing" of girls, to accepting sexist content in texts, to "playing rape" in the school yard, and finally to dramatic instances of sexual abuse.

Within the school of education, the understanding starts with self-examination of attitudes and actions and extends to an examination of policies, practices, and climate.

Education offers the best hope as a proactive measure to prevent sexual harassment. As the EEOC guidelines state: "Prevention is the best tool for the elimination of sexual harassment" (1980). Schools at all levels need to educate administrators, faculty, staff, students, and parents about the problem of sexual harassment, including the underlying attitudes and behaviors of mutual respect that would serve to prevent sexual harassment from occurring.

Sexual harassment policies and procedures will continue to be necessary but not sufficient unless the problem of sexual harassment is addressed proactively through education. Schools of education are in a unique position to provide a model environment that is free of sexual harassment, to prepare tomorrow's educational leaders to attend to this issue, and to work with institutions, including their own and off-campus field placements, to eliminate and prevent sexual harassment.

Provide a Model Environment

Schools of education may serve as models of fair and equitable professional standards and take affirmative actions to prevent sexual harassment on campus. Within the school of education, the understanding starts with self-examination of attitudes and actions and extends to an examination of policies, practices, and climate. A review of the curricula and classroom practices is central to the task. It is essential that the school leadership (administrators and faculty) clearly endorse the importance of these activities and demonstrate commitment to making changes that will eliminate gender bias and sexual harassment. The institution must develop and publicize a strong policy prohibiting sexual harassment at all levels and institute grievance procedures for hearing and handling complaints. Counseling and advisement about sexual harassment should be made available. The community must be educated and information about the issue disseminated on an ongoing basis.

Inservice workshops and courses, and the use of consultants on sexual harassment may serve to encourage and to assist teachers and school personnel. Workshops should be directed at students, faculty, administrators and other personnel, such as bus drivers, janitors, and dining room staff. An atmosphere of sensitivity, respect, and understanding must be created.

As an example, at Teachers College, Columbia University efforts began with an institutional statement declaring that harassment of any nature, and specifically sexual harassment, had no place in that community. Over a year was spent with representatives of the college community developing new policies and procedures that reflected the value position, including formally defining what was seen as harassment and establishing a panel to hear and resolve grievances. Formal grievance procedures and guidelines alone, however, may not go far enough in addressing entrenched attitudes. Thus educational opportunities were provided for supervisors, employees, faculty, and students to learn about the nature of these issues and how to address them. As part of these educational efforts, a series of seminars and workshops was held on the topic of sexual harassment. These included members of the faculty, staff, and students at the College, as well as human resource specialists from other institutions. A faculty seminar on the scholarship on women and gender and the implications for curricula continued into its ninth year. Discussion of these issues was initiated with the Teacher Education Policy Committee, which represents all teacher preparation programs. Sexual harassment was identified as one of the priority areas for student research. Small dean's grants were made to several students for research on these issues. Surveys to determine patterns of behavior and sexual harassment are being considered by the grievance board. Funds are being sought to support faculty in curricula review. Particular implications for student teachers and off-campus placements are being reviewed. Much more needs to be done, including an evaluation of the effectiveness of these efforts.

Prepare Educational Leaders: Teacher Preparation Programs

A number of educators, including Sadker, Sadker, and Shakeshaft (1987) and Stein, et al. (1993) have taken the lead in pointing out the disparity between critical social problems like sexual harassment and the content of teacher preparation programs. They suggest that students coming into a teacher preparation program are not given information about sexual harassment, and that in spite of the prevalence of this behavior, as well as teen pregnancy, date rape, etc., the formal curriculum of the schools of education remains largely unchanged. There is some evidence that change is now occurring, and that schools of education are seeking ways to become more responsive to these issues; however, it is a very slow process. To accomplish this goal, schools of education need courses and curricula which educate their students about sexual harassment, offer them the opportunity to examine the underlying social and psychological factors, and enable them to develop their own pedagogy and curricula to address sexual harassment and gender inequity.

Education to prevent sexual harassment requires a transformation of current curricula, teaching practice, and teacher education. This transformation might include discussion of the issues of gender bias, sexism, and sexual harassment, as well as reflection on teacher language and behavior and on approaches to addressing and preventing sexual harassment. Curricula review to expand and to reconsider material may be undertaken in all subject areas, including biology, English, health, history, child development, special education, and counseling. The transformation of curriculum and teaching to eliminate sexual harassment in education implies intervention on two levels:

(1) the development and application of specific, concrete strategies and curricula for directly addressing and preventing sexual harassment; and

(2) broader considerations for transforming curricula and teaching to eliminate the underlying causes of sexual harassment, including gender bias and the under-representation of scholarship on women and gender.

This transformation provides an opportunity for teacher preparation faculty and students to explore their attitudes and values, curricula, and school practices regarding the issue of sexual harassment and its underlying causes. Such efforts may lead schools of education to offer a course on the subject of sexual harassment, to address the issue as part of a general transformation throughout the curricula, or both.

Areas covered might include:

(1) self-examination of personal and community attitudes and values (Why do present school personnel tend to ignore sexual harassment? What are their own attitudes and values which might prevent them from recognizing and questioning sexual harassment?);

(2) typical instances and behaviors of gender bias and sexual harassment in schools over the life span;

(3) psycho-social determinants of gender discrimination and sexual harassment;

(4) curriculum review for bias and to increase representation of women;

(5) use of case studies—examples of sexual harassment such as those that follow;

(6) ethical and legal issues regarding sexual harassment;

(7) methods to ensure that K-12 students understand the meaning of sexual harassment and types of behavior involved;

(8) methods of intervention to prevent sexual harassment and to respond to instances of sexual harassment.

Case studies and legal cases can be used as part of the curriculum to highlight the complexities of sexual harassment. For instance:

(1) Lawton (1993) discusses how, as a result of three child sex-abuse scandals involving two veteran teachers and a trusted parent, teachers in the Union Springs Central School District in New York have concerns that well-meant physical contact with students might be misinterpreted, and that their motivations in being helpful and friendly towards the students are likely to be questioned.

(2) A student teacher complains to a professor about being sexually harassed by the cooperating teacher at the K-12 field site. The student teacher is worried and inclined to switch field placements, but is reluctant to lose out on the experience that the present site provides. The program faculty are not quite sure how to handle this situation.

These two examples and the case studies in the next section present one approach.

The topic of sexual harassment should be considered in the context of other issues that are important to the preparation of teachers, such as *diversity* and *sexuality*. The problem of sexual harassment may be discussed in the context of fostering understanding and supporting diversity in schools. Increasing diversity in schools and colleges, which continue to welcome and encourage people from different backgrounds, creates new dimensions of complexity. Unfortunately, differing

cultural norms, languages, and world-views make more likely instances of misperception and miscommunication that may lead to forms of harassment. Educational institutions must now work harder to develop understanding, respect, and a true sense of community among their constituents.

The importance of developing mutual respect has implications for preventing sexual harassment and for eliminating other types of discrimination. Sexual harassment shares many characteristics with other forms of discrimination against groups with limited power. A confluence of issues is suggested regarding sexual harassment and the characteristics of race, class, and sexual orientation. It is not surprising that groups traditionally excluded from power seem to be especially victimized by sexual harassment. A systematic study of the factors underlying this observation is needed.

Sexual harassment is partly an issue of power and control, yet there is a manifest sexual component. As institutions design educational interventions and programs to prevent sexual harassment, it will be necessary to consider the strong feelings and taboos associated with the subject of sexuality. It is important to acknowledge the difficulty many people experience in dealing with matters that involve sexuality. The intimate nature of the topic and the associated moral, religious, and personal values make it difficult to discuss. School personnel and parents may find it difficult to consider sexual matters and attitudes in themselves, and in their children. As more is learned about the high incidence of incest and child sexual abuse, there is further appreciation of the difficulties associated with addressing these issues in schools. In spite of the difficulties, courses on sexual harassment and child sexual abuse are needed to assist educators in fulfilling their responsibility to report and prevent such behavior.

Work with Institutions Including the Larger University & Off-Campus Field Placements

Schools of education may play a key role in eliminating and preventing sexual harassment through work with their own educational institutions and with off-campus field placement K-12 schools. A school of education may contribute to the larger institution in which it is located by encouraging the development of effective sexual harassment policies and procedures, assisting in the education and sensitization of the larger campus community by offering courses and workshops on sexual harassment to the wider campus, serving as a resource for information about sexual harassment, and calling attention to the university's responsibility for preventing sexual harassment in off-campus programs and activities. Schools of education and particularly teacher preparation programs should take the initiative to highlight the responsibility schools have to off-campus programs and to develop constructive educational responses that will be applicable to other areas that require students to study and participate off-campus.

The school of education and the K-12 school that serves as a field placement for student teachers are both responsible for addressing and preventing sexual harassment. Much is to be gained if these institutions work together on this issue. Some suggestions for cooperation include the following:

(1) screen and educate personnel, student teachers, cooperating teachers, and supervisors about sexual harassment;

(2) set up a joint committee from the school of education and K-12 settings used to review the K-12 institution and school of education for sexual harassment policy, practices, and non-hostile climate; this may also provide ways to educate the community regarding gender equity and sexual harassment;

(3) conduct workshops to learn about sexual harassment for teacher preparation program personnel from cooperating institutions;

(4) review sexual harassment policy and grievance procedures;

(5) develop an understanding of the communication lines to be followed if a sexual harassment complaint involves persons from both institutions. This would be particularly demanding in schools of education that place students in many different field sites. Supervisors would require training and support to establish these arrangements;

(6) train personnel from the two sites to understand sexual harassment, educate communities about sexual harassment, and receive complaints;

(7) plan educational programs at both institutions for the communities on the issue of sexual harassment;

(8) transform curricula to include a consideration of sexual harassment and its underlying issues;

(9) work with parents and community groups;

(10) educate for change.

Schools of education and K-12 schools often work together in partnerships and collaborations. A relationship between these institutions requires sensitivity and trust. A joint consideration of the issue of sexual harassment might be challenging but would likely serve to deepen the connections between the school of education and the field placement (K-12). Such a joint effort would require a great deal of thought, skill, and care. However, the potential benefits would be great.

Case Studies & Examples

The following case studies and accompanying list of examples are based on a variety of sources: experiences of a sexual harassment grievance board, communications from administrators, faculty, and students, publications, private conversations, and public discussions. As the case studies are reviewed, the reader is encouraged to examine assumptions, reactions, and judgments. Try to adopt the viewpoint of each of the parties involved. Imagine the same situations with all possible gender and role combinations (e.g., female harassed by male, male harassed by female, male harassed by male, female harassed by female, student harassed by teacher, or teacher harassed by student). Try to distinguish among claims of sexual harassment that are legitimate, based on misunderstanding, or contrived. Case features include power, gender, cross-cultural differences, and the context of the academic work setting, particularly off-campus field placement. Three of the five case studies involve student teachers in a field placement or students in off-campus job placement. These situations present an array of issues discussed elsewhere for a school of education and a teacher preparation program. The issues are shared by programs that prepare other professionals, including counselors, psychologists, speech therapists, administrators, and health practitioners. These and additional case studies to be developed by educational institutions may be used for faculty and staff development of skills to address sexual harassment, for the preparation of student teachers, and for the illumination of values and the process of teaching and learning.

Case 1: School of Education - Student Teacher/Principal

A student from a school of education was interviewed by the principal when she first started her student teaching experience at the high school. The principal was very friendly and told her personal things about himself, including that he was recently divorced. The meeting ended with his welcoming her to the school and giving her a hug. At the time the student thought nothing about this interaction.

During the course of the student teacher's work at the school, whenever she ran into the principal, he would hug her affectionately. She became more and more uncomfortable and increasingly saw his behavior as inappropriate. When the principal asked her out, she declined and finally reported the circumstances to her supervisor at the school of education. The student teacher indicated that she wanted a job in that school district and was fearful of taking any action. She refused to file a complaint and requested the supervisor to do nothing.

After a time, and with support from her supervisor, the student teacher told the principal that his behavior was making her uncomfortable, and asked him to stop. With the consent of the student teacher, the supervisor also spoke to the principal. The principal responded that he was being misinterpreted. He indicated that it was his style to be personal with colleagues, and that it was his perception that the student teacher reciprocated his interest.

(1) Is this an instance of sexual harassment?

(2) How, if at all, should the school of education intervene in this situation?

(3) What are the school of education's responsibilities regarding the student teacher and the principal?

(4) What are the high school's responsibilities regarding the student teacher and the principal?

(5) What can a school of education do about quid pro quo or hostile environment sexual harassment when the person being harassed reports the situation but is unwilling to pursue a complaint and asks the school of education to do nothing?

Case 2: School of Education - High School Students/Student Teacher

A student in a school of education has been placed in a local junior high for student teaching. The student teacher befriends the students by meeting them after class and taking an interest in their after school activities and problems. She sends a series of personal notes and poems to three of the students, which she calls "love notes" and "friendship notes." This activity is observed by some of the teachers at the junior high school. The cooperating teacher deems this behavior inappropriate and reports the matter to the student teacher 's supervisor at the school of education. When questioned by her supervisor, the student teacher denies that anything inappropriate has occurred.

(1) Is this an instance of sexual harassment?

(2) What are the school of education's responsibilities regarding the student teacher and the students involved in the case?

(3) What are the high school's responsibilities regarding the student teacher and the student's involved in this case?

(4) Which school is responsible? The school of education? The high school? Both?

(5) If one of the harassed students filed a complaint, what grievance procedure would be followed?

(6) How might the school of education and the junior high cooperate to respond to this matter?

Case 3: High School Students in an Off-Campus Job Placement

Mr. Wilson is a branch manager of a bank that has seven female tellers, two of whom are work-study trainees from the local high school. Periodically, he visits each of the teller cages to supervise transactions. Whenever he visits the area assigned to the work study students, he continually touches them, puts his arm around them when giving individual instruction, and often will pat one of them on his way out. However, neither of the students has rebuffed his actions or complained to him directly. He has never asked either of them for sexual favors (Minnesota Department of Education, 1993).

(1) Is this a case of sexual harassment?

(2) What are the bank's responsibilities regarding the manager and the students involved in this case?

(3) What are the high school's responsibilities regarding the manager and the students involved in this case?

This case would be useful for a workshop on sexual harassment with K-12 teachers or a joint group of K-12 and school of education personnel. Here the high school students as work-study trainees in the bank are in an analogous situation to the student teachers in the off-campus field placement at a K-12 site.

Case 4: Student & Faculty

A student and a faculty member in a school of education have been in a consensual romantic relationship. After a year, one wants to end the relationship and the other doesn't. The faculty member implies that it will be difficult for the student to obtain a fellowship if the relationship ends.

(1) Is this an instance of sexual harassment?

(2) How might third parties (other students and faculty) feel while this intimate relationship is ongoing?

(3) Is there a threat or penalty for ending the relationship if the student ends it? If the faculty member ends it? What if the faculty member is the only doctoral advisor in the student's area of interest?

(4) What is the school's responsibility, if any?

Case 5: Student /Teacher, Multicultural

A veteran teacher witnesses a new teacher giving a quick hug to one of his students. A few days later, he sees the same student embrace this teacher, and kisses him on the cheek. Although no one has complained about the teacher—in fact, he seems very popular with his students—these displays of affection make the witness uneasy. The veteran teacher goes to the principal, and reports that the new teacher is being inappropriately affectionate with one of his students. The principal calls the teacher to her office and relays the complaint. The teacher explains that such displays are a

common part of the culture that he and the student share. The student verifies that such custom is indeed what was witnessed.

(1) Is this sexual harassment? Inappropriate behavior?

(2) Should the school intervene in this situation?

(3) How might others at the school, such as the teacher who reported the incident, and other students respond when they witness such incidents?

(4) What is the school's responsibility to third parties who may be disturbed by this behavior?

The following examples are included to further suggest the wide array of sexual harassment situations that may occur. Schools of education and K-12 schools are encouraged to develop their own case studies and examples.

Examples of Special Concerns Raised by Teacher Preparation Faculty That Could Be Developed into Case Studies

- A bilingual education teacher worries about cultural differences leading to misunderstandings about physical contact.
- A dance education teacher who touches students in the course of instruction.
- A music teacher who gives lessons is often alone with students.
- An English teacher whose written assignments often elicit content that is very personal.

Other Examples of Sexual Harassment (K-16)

- A female teacher is visited by a male student athlete who is dressed only in running shorts. In addition to revealing his body, he states that he is attracted to her, and asks if she could give him "special help" with his senior thesis.
- A student client has a sexual relationship with her psychologist from the school counseling center.
- Two students complain about a campus minister. The minister frequently touches students and calls them late at night. He claims this is just his pastoral approach.
- A high school student football captain persistently asks out the student teacher in his biology class.
- Two undergraduate students on a date are "making out." After hours of heavy petting, they eventually have intercourse. He thinks it was consensual. She wakes up the next day and declares that she has been raped.
- Mark, a gay student, lives in a four-person suite. Although his straight suite-mates feel free to ask their girlfriends to spend the night, Mark is ridiculed and told to move out after inviting his friend Steve to stay over (Columbia College, 1993).
- On the school bus sixth-grade boys tease a fifth-grade girl about her breasts.
- A group of female teacher preparation students stare and send sexual notes to one of the few male students in the preservice program.

Conclusion

The problem of sexual harassment is extremely important, complicated, and seemingly intractable within our educational institutions and society. Each new discussion of the topic raises yet another difficult aspect of human behavior, values, prejudices, freedoms, and rights. Unfortunately, recognition of the widespread incidence of sexual harassment, its potentially devastating consequences, as well as the establishment of strong policies and grievance procedures prohibiting sexual harassment are not sufficient to eliminate this behavior.

The main hope for addressing and preventing sexual harassment is education.

The main hope for addressing and preventing sexual harassment is education. A comprehensive educational effort will require further research on the underlying causes of sexual harassment, and on the development, utilization, and effectiveness of policies, grievance procedures, and educational interventions. The best practices must be identified and disseminated. However, as this monograph has stressed, schools are legally required to address sexual harassment now and do not have the luxury to wait for this research to be completed. They must prohibit sexual harassment on campus and in their off-campus programs and activities.

Schools of education are in a unique position to spearhead this comprehensive effort by conducting research, developing interventions, transforming curricula, working with cooperating institutions, and preparing tomorrow's educators to address the problem of sexual harassment. Professional organizations can show leadership by underscoring the importance of the issue of sexual harassment, setting policy prohibiting this behavior, encouraging those agencies that monitor compliance with sexual harassment regulations, gathering resources, and providing continuing education. Schools of education and professional organizations like the American Association of Colleges for Teacher Education must meet the challenge and play a pivotal role in eliminating sexual harassment from our schools and society.

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Judith Berman Brandenburg has worked on the issue of sexual harassment for over 17 years as a teacher, psychologist, and administrator. From 1968 to 1976 as Assistant Professor and psychologist at Queens College of CUNY she initiated programs for older women, minority students, and peer counselors for sex-related concerns. From 1977 to 1985 as Associate Dean of Yale College she chaired a committee that developed grievance procedures for sexual harassment complaints and then served for six years as convenor of the grievance board established to receive these complaints. She played a leading role in the establishment of the Women's Studies Program at Yale. Since 1985 as Professor of Psychology and Education, and for almost a decade as Dean, at Teachers College, Columbia University, she has focused her attention on the problem of sexual harassment in K-12 schools and on what schools of education can do to address and prevent sexual harassment. At TC she initiated sexual harassment grievance procedures, a faculty seminar and Council on the Scholarship on Women and Gender, and worked to increase the women faculty from 32 percent to 49 percent and minority faculty from 5 percent to 12 percent.

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